



Regional Board Enforcement

Presented to

The Public Advisory Committee

Irrigated Lands Conditional Waiver

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State Water Resources Quality Control Board

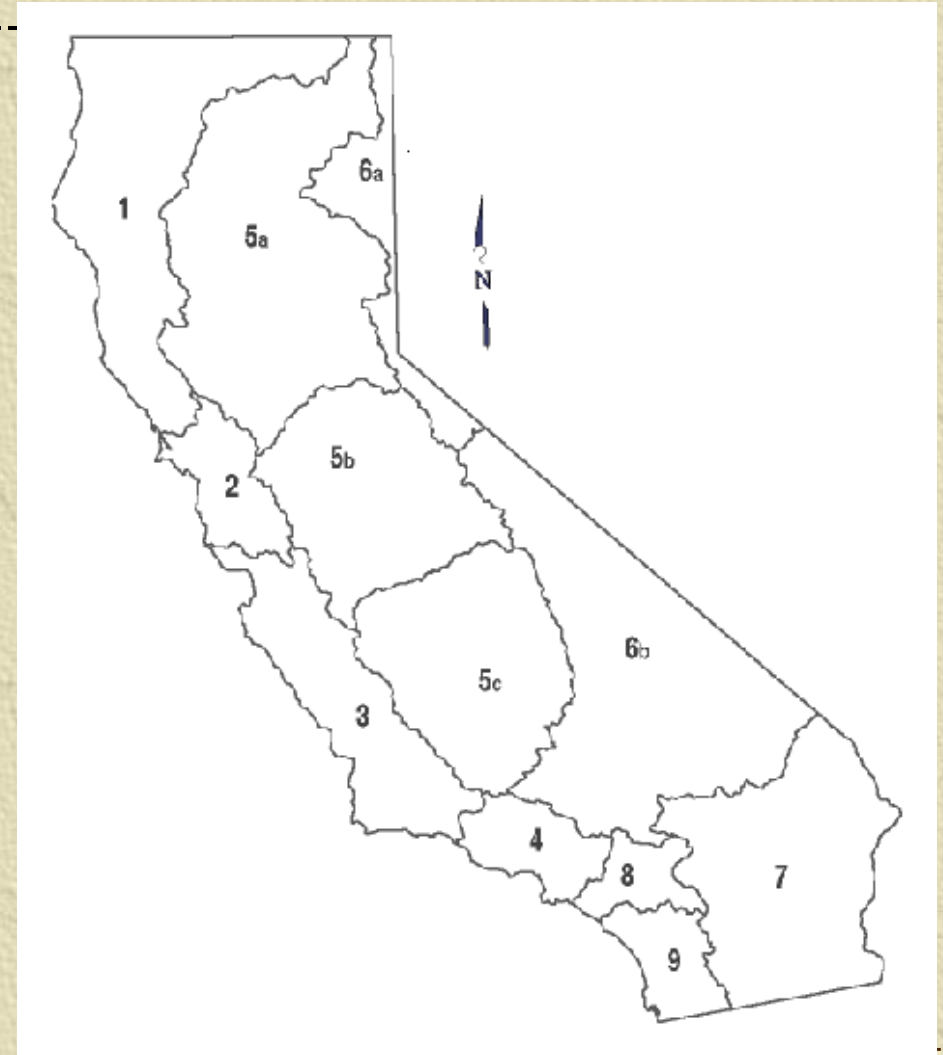
STATE WATER RESOURCES CONTROL BOARD

- ✧ Cal/EPA Board
- ✧ Water Rights
- ✧ Water Quality Policy
- ✧ Loans and Grants
- ✧ Regional Board Oversight
- ✧ Appellate Body for Regional Board Decisions



REGIONAL WATER QUALITY CONTROL BOARDS

- ✧ 9 Regional Water Quality Control Boards
- ✧ 9 Appointed Board Members Each – 4 Year Terms
- ✧ Arranged by Hydrologic Basins



CENTRAL VALLEY REGIONAL WATER QUALITY CONTROL BOARD



3 Offices

- ◆ Redding
- ◆ Sacramento
- ◆ Fresno



REGIONAL WATER QUALITY CONTROL BOARDS

Primary Functions

✧ Planning



✧ Regulation

- ◆ Permitting
- ◆ Monitoring Report Review
- ◆ Complaint Investigation
- ◆ Enforcement

REGIONAL WATER QUALITY CONTROL BOARDS

Discharges Regulated

- ◆ Discharges to Surface Waters or Land
 - Waste Treatment Plants
 - Industry
 - Agriculture
- ◆ Storm Water Discharges
- ◆ Underground Storage Tanks
- ◆ Landfills
- ◆ Mining Waste
- ◆ Etc.



Water Quality Enforcement

Our chief goal is compliance, not enforcement. But what we have found is that without a strong enforcement program, you cannot reasonably expect compliance.

REGIONAL BOARD – Informal Enforcement Actions

✧ Verbal

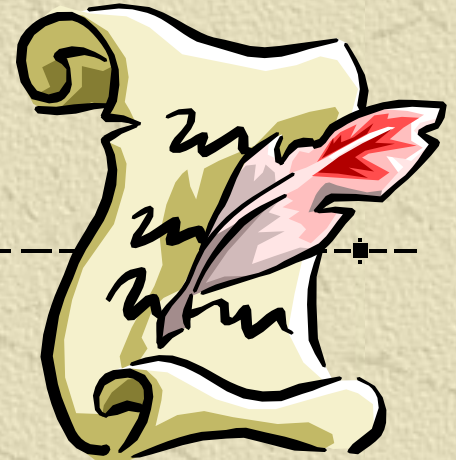
✧ Staff enforcement
letter

✧ Notice of Violation
(NOV)



PAC - Irrigated Lands Cond. Waiver -
Nov. 22, 2004

REGIONAL BOARD – Formal Enforcement Actions



- ✦ Notices to Comply
- ✦ Technical Reports and Investigations
- ✦ Time Schedule Orders (TSOs)
- ✦ Cleanup and Abatement Orders (CAOs)
- ✦ Cease and Desist Orders (CDOs)
- ✦ Administrative Civil Liability (ACL)
- ✦ Referral - District Attorney or State Attorney General, US Attorney/USEPA
 - ◆ Civil
 - ◆ Criminal

Determining ACL Amounts

- ✦ Mandatory Minimum Penalties
- ✦ Statutory Minimums/Maximums
- ✦ Factors to Consider
 - ◆ Discharge
 - ◆ Discharger
 - ◆ Economic Benefit



Settlement / Appeal of Enforcement Actions

✧ Settlement of ACLs

- ✧ Complaint Issued - Board Hearing Within 90 days
- ✧ Reduction of the Amount
- ✧ Supplemental Environmental Projects
- ✧ Compliance Projects

✧ Board Actions may be petitioned to the State Board within 30 days of issuance

✧ Appeal to the courts

Enforcement Items to Watch For

✱ Notices of Violation

✱ Any Order Directing Action

- ◆ Requirements to provide information pursuant to CWC 13267

- ◆ Time Schedule Order

- ◆ Cleanup and Abatement Order

- ◆ Cease and Desist Order

✱ Administrative Civil Liability Complaint

Progressive Enforcement

- ✦ Begin at the appropriate level
- ✦ Low level enforcement works for most dischargers
- ✦ Escalate for continued non-compliance
- ✦ Goal is compliance, not enforcement

Other Factors that affect Enforcement

✧ Trust and Good Faith Efforts

✧ Fraudulent Information

✧ Integrity of the Program

✧ Perception

- ◆ Dischargers – Fair enforcement
- ◆ Public – Protective enforcement
- ◆ Legislature – Adequate enforcement
 - MMPs
 - Economic Benefit

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